

1 **WILLIAM J. WHITSITT**
 2 **1922 LILY LN.**
 3 **MANTECA, CA 95336**
 4 **209-993-7178**
 5 **whitsittw@gmail.com**

6 **IN PROPERIA PERSONA**

FILED
 2016 DEC 19 P 4:30
 CLERK, U.S. DISTRICT COURT
 NO. DIST. OF CA.

C V 16 7234

JSC

8 **IN UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO**

9 **WILLIAM J. WHITSITT**

) NO:

10 -----VS-----

11 **WEST VALLEY STAFFING GROUP**

12 **TESLA MOTORS**

13 **25 UNNAMED DEFENDANTS**

COMPLAINT
ADEA DISCRIMINATION
RETALIATORY FIRING
DENIAL OF MY COMMON
LAW RIGHT CONTRACT
TRADING OF MY LABOR

15 **(I.) - INTRODUCTION - MY ADEA AND RETALIATION COMPLAINT.**

16 I William J. Whitsitt, do hereby come to this Court demanding At-Law, at Common Law Jurisdiction.
 17 I come seeking and demanding for a Remedy At-Law at the Common for my deprivation of my Common
 18 Law rights and of-law and at Equity remedy for deprivation of my civil and constitutional rights. I do
 19 claim all my rights At-Law at the Common Law and right of law and Equity my civil and constitutional
 20 rights. I come seek a remedy at the Common Law to defend my Inalienable right to contract the trading
 21 of my Labor for compensation my right to work. I further come to defend my rights under the Federal
 22 and California State Constitutions against unlawful and wrongful discrimination against me because my
 23 age of over (40) years old (ADEA); my right to contract my right to work and equal protection of the
 24 laws. I seek a remedy for deprivation of my Right to contract my Labor (right to work) by denial of
 25 inalienable right to equal protection equal opportunities and equal rights under the laws. I file this short
 26 Complaint to beat the statute of limitations of 1 year. **I also filed EEOC Questionnaire with EEOC**
San Jose Office Charges of Discrimination and Retaliation by EEOC signed on 1/25/2016. I been
 27 waiting for EEOC information but have not heard anything in over 10 months so I decided to file suit
 28 in Federal Court. EEOC Intake Questionnaire filed 12/14/2016 by fax. **FUTURIS AUTOMOTIVE** is
subsidiary of and owned by Tesla Motors.

(A.) - Jurisdictional Facts.

Here are the Jurisdictional Facts of my claims in my matter:

(1.) - Venue.

First of all Venue is correct, as I am a Citizen and resident of San Joaquin County of the State of California. Which is within the territorial Jurisdictional boundaries of the Eastern District of California. The Defendants Tesla Motors, West Valley Staffing Group all are located within the territorial boundaries of the Alameda County. Thus, the U.S. District Court for the Northern District of California is the proper and Lawful Venue.

(2.) - Other Jurisdictional Facts.

I Kevin O'keefe do hereby bring my matter for retaliation for helping my friend William Whitsitt, with Evidence and Testimony to the EEOC investigator, Brian Huff. Shortly after that within (90) days Tesla Motors, through West Valley Staffing Group took action against me (Retaliatory Discharge). See: **Title VII. 42 U.S.C.A. 2000e-3(a)**. By false, misleading facts brought against me my Temporary Assignment was ended. I demand as matter of At-Law at the Common Law, At-Law Jurisdiction of this Federal D.C. My inalienable Common Law right to trade my Labor for compensation is protected At-Law, at Common Law. I come to this Federal District Court Demanding for and pleading for Common Law, At-Law and my constitutional and civil rights Jurisdiction. See: **Brooks v. Norris, 11 How 204, 13 L. Ed. 665**. At the Common Law, is the prohibition against prejudice by Admiralty - Civil Law Jurisdiction. See: **Ramsay v. Allegre, 25 U.S. 611, 6 L. Ed. 746, 12 Wheat. 611 (1827)**. The Common Law of California is the law of the California and State Constitution, it is still the law of decision of the State Constitution. See: **Gray v. Sutherland, (1954), 124 C.A.2d 280, 268 P.2d 754**. **In actions in the Federal Court in a territory, the Common Law is the rule of decision.** See: **Pyeatt v. Powell, 51 Fed. 551, 2 C. C. A. 367**. The Common-Law rule of decision in a federal Court is that of the State in which it is sitting. See: **Lorman v. Clarke, 2 McLean 568, Fed. Cas. No. 8,516**. No Court can refuse to hear At-Law at the Common Law claims. A Writ of Error (Writ of Right) lies at denial at Denial of At-Law, at the Common Law claims. **"§ 237 of the Judicial Code (USC Title 28, § 344), lie in the fact that a Writ of Error is granted as of Right while Certiorari is granted or refused, in the exercise of sound discretion."** **Philadelphia & R. Coal & I. Co. v. Gilbert, 245 U.S. 162, 38 S. Ct. 58, 62 L. Ed. 221 (1917); A writ of error is a writ of right which is grantable ex debito justitia; Skip with v. Hill, 2 Mass. 35.** "The right to an appeal or writ of error cannot be refused.." Also an Appeal is of right. I must set up my Common Law, At-Law rights at the first instance at the Court of first instance.

(3.) - Civil Rights Act Jurisdiction.

The ADEA, and Civil Rights Act, grants Statutory Jurisdiction to the Federal District Court. See: **Title 28, Section 1343(3),(4)**. See: **Chapman v. Houston Welfare Rights Organization Gonzalez, 441 U.S. 600, 99 S. Ct. 1905, 60 L. Ed.2d 508 (1978)**.

"§ 1343(3) ...federal district courts have jurisdiction over civil actions 'authorized by law' claiming a deprivation, under color of state law, of rights 'secured by the Constitution of the United States or by any Act of Congress

providing for equal rights,' and under § 1343(4) have jurisdiction over such actions seeking relief under 'any Act of Congress providing for the protection of civil rights, including the right to vote.' **See: Chapman v. Houston Welfare Rights Organization Gonzalez, 441 U.S. 600, 99 S. Ct. 1905, 60 L. Ed.2d 508 (1978).**

In conferring Jurisdiction upon the Federal District Courts, for all Civil Actions for Equal Rights that arise under 28 U.S.C. Section 1343(3); and seeking relief under any act of Congress for protection of Civil Rights. It also is important to Note that once Jurisdiction of Federal District Court has been Invoked, that Court Cannot Refuse Invoked Jurisdiction, when Congress has Granted Statutory Jurisdiction. **See: Deakins v. Monaghan, 484 U.S. 193, 108 S. Ct. 523, 98 L. Ed.2d 529 (1988).** I have Charges filed by EEOC for ADEA and Retaliation signed by me on 1/25/2016.

(II.) - ADEA CLAIM.

Here are my personal facts of what happened after I helped William Whitsitt, with Evidence and Facts of ADEA and other discrimination. I believe that all facts will show that my Temporary Assignment was ended by Retaliatory Discharge.

(1.) - Facts of Discrimination.

(INTERVIEW AT FUTURIS AUTOMOTIVE WEDNESDAY 12/9/15 AT 10:40AM).

I arrived at approx 10:20 AM told to write my name on their list and to take a seat. I did so and I was interview at about approx. 10:40AM. I was interviewed by Caucasian Heavy set lady at about 10:40AM, 12/9/2015, she never stated her name West Valley Staffing Specialist there. The first thing she stated give me a copy of resume and tell me about your manufacturing background. I told her I had lot of experience in manufacturing in assembly and Machine Operations. She then asked me: "At your age are you able to remain standing for 12 hour shifts 6 days a week." (12/9/2015 at approx. 10:45AM). I said yes I am able to do that because I had to that before. She told me "I do not see enough Manufacturing experience on your resume." I will keep a copy of your resume in our file for future hiring considerations. I further explained look at Resume and will see over (35) years manufacturing experience on it. She had bad look about me from first sight. When I tried to further show and explain my past experience on my resume: "she just stated to me rudely there the door and have a great day." I heard several Applicants before me state that they where Machine Operators another worked at Macy's or another Department Store and they where under (30) Years of age she told them to fill out their application and wait to go for Hiring process. Another Staffing Specialist there talked to a lady about (21) who had worked a Fast Food and he told her fill out their application and wait to go for Hiring process. I was turned down for work clearly because of my age of (61) Years old. She had a bad look for me from first sight. I felt a bad feeling from first sight. I am just a man over the age of (60) Years old that disparately needs work to survive and seeking to exercise my right to work. Let Notice be taken here I seen (Witnessed) 100 or more applicants and I seen only one applicant over the age of (45). I almost immediately called West Valley Staffing Group. I talked there with Staffing person who apologized and offered to have me talk with another recruiter as he stated: we tell all our applicants that: "At your age are you able to remain standing for 12 hour shifts 6 days a week." Called West Valley Staffing (12/9/2015, at 11:01 AM). I then called to talk with Chad Haggor West Valley Staffing H.R. Generalist: I left him a message about what happened at 12/9/2015 At: 11:20AM called again 12/9/15 at 1:28PM, and left another message. I also reminded Chad Haggor about the complained about incident with Telsa Motors on (11/6/15). The 2 incidents and Discrimination Complaints very well could be related to each other. Thursday, 12/10/15 at 4:04PM Talked with Chad Hager West Valley Staffing HR Generalist. I explained to Chad: He stated he would investigate al that happened. A West Valley Staffing Person stated: we tell all our applicants that: "At your age are you able to remain standing for 12 hour shifts 6 days a week."

Friday, 12/11/15 at: 3:00PM: Chad called me back and we talked and he stated to me: Sandra Lawrence stated to him that she did not act rude or stated because of my Age. He also stated that Ray my staffing specialist recruiter whom I could not get to talk to and or call me back after leaving numerous messages; had witnessed somehow that Sandra did say "that because of my age." The problem with that is Ray was not outside in Warehouse where I was interviewing with Sandra he went in the room to look at the sign up in sheet when Sandra said that which is about 50 feet at least and the other side a wall away where Sandra Lawrence stated to me: "At your age are you able to remain standing for 12 hour shifts 6 days a week." (12/9/2015 at approx. 10:45AM). He could have heard that and heard also: "she just stated to me rudely there the door and have a great day." Thus, No way that Ray could have heard Sandra. No way and that is a blatant lie anyway. Here we have a Staffing Agency all lie for each other to protect their discrimination. I know that I heard Sandra Lawrence state to me: "At your age are you able to remain standing for 12 hour shifts 6 days a week." (12/9/2015 at approx. 10:45AM). I told Chad Hager, I know what I heard Sandra Lawrence say. This group of Staffing people have it down pretty well on how to lie together to protect their discrimination acts. Chad stated Sandra Lawrence said I just needed to Edit and add to my resume about assembling cabinets. I agreed to edit my resume and to send it by email to Sandra

Lawrence.

Monday 12/14/15 at: 1:37 PM. I called Chad and left a message about editing my Resume to show I had assembled furniture and cabinets and machines.

Tuesday, 12/15/2015 at: 10:01AM Talked with Sandra Lawrence. She stated to me she looked at my updated Resume and went to say unfortunately I did not have enough experience to get to the training of Assembly Job. I stated your just acting discrimination like I stated to Chad Hager. She are you threatening me? I stated No I am claiming my right against ADEA and Retaliation. She stated she would transfer me to Chad Hager. We talked for about 15 minutes. I first stated to Chad this is ADEA and Retaliation you know. He stated you always stating that.

I stated to Chad talk your talk is not getting me work (paid work). Action and a Job are what I want, not talk. He just stated I am just trying to help you find work. I stated by ADEA and Retaliation? The bottom here is I went to 2 jobs through you and I am still without work - No Job. That all I had with Chad Hager in their Anti-discrimination policy was talk and excuses for discrimination and being denied employment. I told Chad I was denied employment through West Valley Staffing Group because of my age. (ADEA). Chad stated to me Telsa Motors incident and West Valley Staffing incident all statements with no witnesses. I told him:

How many Staffing Professionals are going to make a discriminatory statement like: "because of your age..." In front of witnesses against them? They are not going to say or do intentional discrimination acts in front of witnesses against them. This phone conversation lasted from 10:01AM till about 10:40AM. I pled my discrimination facts as stated here with no avail. Chad does not want see my discrimination facts with direct evidence of intentional discrimination. **West Valley Staffing had no intent on hiring for any Job, it was all just talk and no action, No Job.** It doesn't take a Rhode Scholar, to figure out big talk no jobs offered. In another words Chad: **sees no evil, hears no evil, and talks no evil!!!** He will investigate and does not want to find any discrimination or facts of discrimination. Even with direct evidence he would try to hide that by an excuse. Ray my West Valley Staffing recruiter specialist. He knew about Telsa Discrimination incident because Chad Hager talked with him about that. Chad stated that before to me that he had discussed with Ray about the Telsa Motors. I stated to Chad Hager: **I was denied my Common Law inalienable right to contract my Right to Labor (right to work) for compensation.** I told Chad Hager to See: Adair v. United States, 208 U.S. 161, 28 S. Ct. 277, 52 L. Ed. 436 (1908); see also: Coppage v. Kansas, 236 US 1, 59 L. Ed. 441, 35 S. Ct. 240 (1914). I told him to see also: See: Butchers Union Co. v. Crescent City Co., 111 U.S. 746, 4 S. Ct. 652, 28 L. Ed. 585 (1883). That stated: **"...THE PROPERTY WHICH EVERY MAN HAS IS HIS OWN LABOR, AS IT IS THE ORIGINAL FOUNDATION OF ALL OTHER PROPERTY SO IT IS THE MOST SACRED AND INVOLABLE.."** I also stated to Chad Hager: **My right of me to contract the trading of my Labor the Right to Work is the same and or equal to that of that of the Employer to hire me. See: Adair v. United States**, 208 U.S. 161 (1907). Thus, **NO prerogative exist for any employer to deny any Laborer's Right to contract for the hiring of their Labor for compensation, without real justification or reason and or real just cause. I also stated about ADEA: Age Discrimination in Employment Act of 1967, § 4(a)(1), 29 U.S.C.A. § 623(a)(1). Trans World Airlines, Inc. v. Thurston**, 469 U.S. 111 at 112, 105 S. Ct. 613, 83 L. Ed.2d 523 (1985).

Anti-retaliation under TITLE VII: Title VII. 42 U.S.C.A. 2000e-3(a); Trent v. Valley Electric Ass'n, Inc., 41 F.3d 524, 526 (9th Cir. 1994).

Unlawful Blacklisting Retaliation

By all the conversations with Chad Hager, Sandra Lawrence, my recruiter and other Staffing personnel at West Valley Staffing Group, that my past discrimination claims and Unlawful Blacklisting Charges are being applied again just like before. Great talk about Jobs but no jobs offered, just talk only. They have found the do not hire me on Agency's covert and hidden do not hire list. Chad Hager's own statement to me: **"you are always talking about suing everyone and discrimination."** Employment and Staffing Agencies have no real regulations at all they need Federal Congressional and State Legislative regulations to regulate and independent overseers to monitor discrimination claims like I have made in the past and present with West Valley Staffing. By West Valley's own statements, action of denial of employment in Telsa Motors and directly to Futuris Automotive where West Valley Staffing Group is Agent in principle in all hiring aspects, initial screening by application and background check. I see that my Unlawful Blacklisting Retaliation claims and charges are still in use. Let notice be taken here that this Unlawful Blacklisting Retaliation claim is currently being litigated in several matters. I stated to Chad Hager in fact about this retaliation claim. I stated to Chad when I need to work to survive and you discriminate against me by denial of being hired for employment, what remedies At-Law are available suit for ADEA and Discrimination only. What else or what other remedies are there? None except Discrimination suit only. I told him try walking in my shoes for a month with Homelessness, despair, no money to buy anything or even survive with. Then try to do something about it. You are telling me I am too old just go under a rock and die and stop looking for work.

Here are the Facts and times and dates of what happened and why I believe it was discrimination:

* **"At your age are you able to remain standing for 12 hour shifts 6 days a week."** (12/9/2015 at approx. 10:45AM). Statement by Sandra Lawrence.

* He also stated that Ray my staffing specialist recruiter whom I could not get to talk to and or call me back after leaving numerous messages; had witnessed somehow that Sandra did say **"that because of my age."** The problem with that is Ray was not outside in Warehouse where I was interviewing with Sandra he went in the room to look at the sign up in sheet when Sandra said that which is about 50 feet at least and the other side a wall away where Sandra Lawrence stated to me: **"At your age are you able to remain standing for 12 hour shifts 6 days a week."** (12/9/2015 at approx. 10:45AM). He could have heard that and heard also: **"she just stated to me rudely there the door and have a great day."** Thus, No way that Ray could have heard Sandra, No way and that is a blatant lie anyway.

* She told me **"I do not see enough Manufacturing experience on your resume."** I will keep a copy of your

resume in our file for future hiring considerations. I further explained look at Resume and will see over (35) years manufacturing experience on it. She had had look about me from first sight. When I tried to further show and explain my past experience on my resume: "she just stated to me rudely there the door and have a great day."

* I heard several Applicants before me state that they where Machine Operators another worked at Macy's or another Department Store and they where under (30) Years of age she told them to fill out their application and wait to go for Hiring process. Another Staffing Specialist there talked to a lady about (21) who had worked a Fast Food and he told her fill out their application and wait to go for Hiring process. I was turned down for work clearly because of my age of (61) Years old.

* I was denied employment because of my Age obviously.

* Tuesday, 12/15/2015 at: 10:01AM Talked with Sandra Lawrence. She stated to me she looked at my updated Resume and went to say unfortunately I did not have enough experience to get to the training of Assembly Job.

* I told Chad I was denied employment through West Valley Staffing Group because of my age. (ADEA). Chad stated to me Telsa Motors incident and West Valley Staffing incident all statements with no witnesses. I told him: How many Staffing Professionals are going to make a discriminatory statement like: "because of your age..." In front of witnesses against them? They are not going to say or do intentional discrimination acts in front of witnesses against them. This phone conversation lasted from 10:01AM till about 10:40AM.

* I was denied my Common Law inalienable right to contract my Right to Labor (right to work) for compensation

* I believe I was not hired for FUTURIS AUTOMOTIVE WEDNESDAY: due to retaliation for making discrimination claim about 1 month earlier.

* EEOC Investigator Brian Hoss sent notice of charge No: 550-2016-00156C about days before this Futuris Automotive Job opportunity with West Valley Staffing Group.

* I then called to talk with Chad Haggor West Valley Staffing H.R. Generalist: I left him a message about what happened at 12/9/2015 At: 11:20AM called again 12/9/15 at 1:28PM, and left another message. I also reminded Chad Haggor about the complained about incident with Telsa Motors on (11/6/15). The 2 incidents and Discrimination Complaints very well could be related to each other. Thursday, 12/10/15 at 4:04PM

* I first stated to Chad this is ADEA and Retaliation you know. He stated you always stating that. Tuesday, 12/15/2015 at: 10:01AM. I stated to Chad talk your talk is not getting me work (paid work). Action and a Job are what I want, not talk. He just stated I am just trying to help you find work. I stated by ADEA and Retaliation? The bottom here is I went to 2 jobs through you and I am still without work - No Job. That all I had with Chad Hagar in their Anti-discrimination policy was talk and excuses for discrimination and being denied employment. I told Chad I was denied employment through West Valley Staffing Group because of my age. (ADEA). Chad stated to me Telsa Motors incident and West Valley Staffing incident all statements with no witnesses. I told him: How many Staffing Professionals are going to make a discriminatory statement like: "because of your age..." In front of witnesses against them? They are not going to say or do intentional discrimination acts in front of witnesses against them. This phone conversation lasted from 10:01AM till about 10:40AM. I pled my discrimination facts as stated here with no avail. Chad does not want see my discrimination facts with direct evidence of intentional discrimination.

* I was denied my inalienable Common Law and constitutional right to contract my right to Labor for compensation.

* Promise of great opportunities through West Valley Staffing Group with talk only and No Employment Offered.

* **Unlawful Blacklisting Retaliation**

By all the conversations with Chad Hagar, Sandra Lawrence, my recruiter and other Staffing personnel at West Valley Staffing Group, that my past discrimination claims and Unlawful Blacklisting Charges are being applied again just like before. Great talk about Jobs but no jobs offered, just talk only. They have found the do not hire me on Agency's covert and hidden do not hire list. Chad Hagar's own statement to me: "you are always talking about suing everyone and discrimination."

Monday 12/14/15 at: 1:37 PM. I called Chad and left a message about editing my Resume to show I had assembled furniture and cabinets and machines.

Tuesday, 12/15/2015 at: 10:01AM Talked with Sandra Lawrence. She stated to me she looked at my updated Resume and went to say unfortunately I did not have enough experience to get to the training of Assembly Job. I stated your just acting discrimination like I stated to Chad Hager. She are you threatening me? I stated No I am claiming my right against ADEA and Retaliation. She stated she would transfer me to Chad Hager. We talked for about 15 minutes. I first stated to Chad this is ADEA and Retaliation you know. He stated you always stating that. I stated to Chad talk your talk is not getting me work (paid work). Action and a Job are what I want, not talk. He just stated I am just trying to help you find work. I stated by ADEA and Retaliation? The bottom here is I went to 2 jobs through you and I am still without work - No Job. That all I had with Chad Hagar in their Anti-discrimination policy was talk and excuses for discrimination and being denied employment. I told Chad I was denied employment through West Valley Staffing Group because of my age. (ADEA). Chad stated to me Telsa Motors incident and West Valley Staffing incident all statements with no witnesses. I told him: How many Staffing Professionals are going to make a discriminatory statement like: "because of your age..." In front of witnesses against them? They are not going to say or do intentional discrimination acts in front of witnesses against them. This phone conversation lasted from

10:01AM till about 10:40AM. I pled my discrimination facts as stated here with no avail. Chad does not want see my discrimination facts with direct evidence of intentional discrimination. West Valley Staffing had no intent on hiring for any Job, it was all just talk and no action, No Job. It doesn't take a Rhode Scholar, to figure out big talk no jobs offered. In another words Chad: sees no evil, hears no evil, and talks no evil!!! He will investigate and does not want to find any discrimination or facts of discrimination. Even with direct evidence he would try to hide that by an excuse. Ray my West Valley Staffing recruiter specialist. He knew about Telsa Discrimination incident because Chad Hagar talked with him about that. Chad stated that before to me that he had discussed with Ray about the Telsa Motors. I stated to Chad Hagar: I was denied my Common Law inalienable right to contract my Right to Labor (right to work) for compensation. I told Chad Hagar to See: Adair v. United States, 208 U.S. 161, 28 S. Ct. 277, 52 L. Ed. 436 (1908);

(Claim1.) - ADEA.

I was denied employment by named Defendants because of my Age. (1.) - Protected classification- I am over (40) years old (61) at the time of discrimination. (2.) - Qualified for the Job, Open Position- I was held more than qualified by West Valley Staffing Group and Telsa Motors H.R. Representative M.B.. See below: (3.) - I was denied employment because of because of my Age and other Factors of Discrimination. Notice approximately 400 other considerably younger and less qualified applicants where hired by Telsa Motors. (4.) - Statement by Sandra Lawrence stated to me: "At your age are you able to remain standing for 12 hour shifts 6 days a week." Also FUTURIS AUTOMOTIVE is subsidiary of and owned by Tesla Motors.

She Sandra Lawrence, had bad look about me from first sight. When I tried to further show and explain my past experience on my resume: "she just stated to me rudely there the door and have a great day." I heard several Applicants before me state that they where Machine Operators another worked at Macy's or another Department Store and they where under (30) Years of age she told them to fill out their application and wait to go for Hiring process. Another Staffing Specialist there talked to a lady about (21) who had worked a Fast Food and he told her fill out their application and wait to go for Hiring process. I was turned down for work clearly because of my age of (61) Years old.

Sandra Lawrence, knew that I was over (60) years young because of West Valley Staffing Group, knew from my pas problem with Tesla Motors that they where involved with just a month or so earlier. Sandra Lawrence's statement to me: "At your age are you able to remain standing for 12 hour shifts 6 days a week." Also FUTURIS AUTOMOTIVE is subsidiary of and owned by Tesla Motors. Was my age the only reason for rejection well her statement says it best: "At your age are you able to remain standing for 12 hour shifts 6 days a week." My resume and past interviews with West Valley Staffing Group all show that I had over (30) years working in the Manufacturing environment. Sandra Lawrence, works for West Valley Staffing Group as their onsite Staffing Specialist. Sandra Lawrence's statement to me: "At your age are you able to remain standing for 12 hour shifts 6 days a week." Shows and proves her intent and the intent of West Valley Staffing Group on intentional knowing, deliberate discrimination.

(Claim2.) - Retaliation.

First of all, FUTURIS AUTOMOTIVE is subsidiary of and owned by Tesla Motors. I have an ADEA and other discrimination claims against Tesla Motors and West Valley Staffing Group, named in another very similar action in William Whitsitt-vs-Tesla Motors, et. al., 3:16-cv-00797 MMC, pending in this Federal District Court in another courtroom.

* EEOC Investigator Brian Hoss sent notice of charge No: 550-2016-00156C about days before this Futuris Automotive Job opportunity with West Valley Staffing Group.

10:01AM till about 10:40AM. I pled my discrimination facts as stated here with no avail. Chad does not want see my discrimination facts with direct evidence of intentional discrimination. West Valley Staffing had no intent on hiring for any Job, it was all just talk and no action, No Job. It doesn't take a Rhode Scholar, to figure out big talk no jobs offered. In another words Chad: sees no evil, hears no evil, and talks no evil!!! He will investigate and does not want to find any discrimination or facts of discrimination. Even with direct evidence he would try to hide that by an excuse. Ray my West Valley Staffing recruiter specialist. He knew about Telsa Discrimination incident because Chad Hagar talked with him about that. Chad stated that before to me that he had discussed with Ray about the Telsa Motors. I stated to Chad Hagar: I was denied my Common Law inalienable right to contract my Right to Labor (right to work) for compensation. I told Chad Hagar to See: Adair v. United States, 208 U.S. 161, 28 S. Ct. 277, 52 L. Ed. 436 (1908);

(Claim1.) - ADEA.

I was denied employment by named Defendants because of my Age. (1.) - Protected classification- I am over (40) years old (61) at the time of discrimination. (2.) - Qualified for the Job, Open Position- I was held more than qualified by West Valley Staffing Group and Telsa Motors H.R. Representative M.B.. See below: (3.) - I was denied employment because of because of my Age and other Factors of Discrimination. Notice approximately 400 other considerably younger and less qualified applicants where hired by Telsa Motors. (4.) - Statement by Sandra Lawrence stated to me: "At your age are you able to remain standing for 12 hour shifts 6 days a week." Also FUTURIS AUTOMOTIVE is subsidiary of and owned by Tesla Motors.

She Sandra Lawrence, had bad look about me from first sight. When I tried to further show and explain my past experience on my resume: "she just stated to me rudely there the door and have a great day." I heard several Applicants before me state that they where Machine Operators another worked at Macy's or another Department Store and they where under (30) Years of age she told them to fill out their application and wait to go for Hiring process. Another Staffing Specialist there talked to a lady about (21) who had worked a Fast Food and he told her fill out their application and wait to go for Hiring process. I was turned down for work clearly because of my age of (61) Years old.

Sandra Lawrence, knew that I was over (60) years young because of West Valley Staffing Group, knew from my pas problem with Tesla Motors that they where involved with just a month or so earlier. Sandra Lawrence's statement to me: "At your age are you able to remain standing for 12 hour shifts 6 days a week." Also FUTURIS AUTOMOTIVE is subsidiary of and owned by Tesla Motors. Was my age the only reason for rejection well her statement says it best: "At your age are you able to remain standing for 12 hour shifts 6 days a week." My resume and past interviews with West Valley Staffing Group all show that I had over (30) years working in the Manufacturing environment. Sandra Lawrence, works for West Valley Staffing Group as their onsite Staffing Specialist. Sandra Lawrence's statement to me: "At your age are you able to remain standing for 12 hour shifts 6 days a week." Shows and proves her intent and the intent of West Valley Staffing Group on intentional knowing, deliberate discrimination.

(Claim2.) - Retaliation.

First of all, FUTURIS AUTOMOTIVE is subsidiary of and owned by Tesla Motors. I have an ADEA and other discrimination claims against Tesla Motors and West Valley Staffing Group, named in another very similar action in William Whitsitt-vs-Tesla Motors, et. al., 3:16-cv-00797 MMC, pending in this Federal District Court in another courtroom.

* EEOC Investigator Brian Hoss sent notice of charge No: 550-2016-00156C about days before this Futuris Automotive Job opportunity with West Valley Staffing Group.

1 DAMAGES SOUGHT: **\$3,500,000.00 THREE MILLION FIVE HUNDRED THOUSAND DOLLARS.**
2 PUNITIVE DAMAGES: **\$ 2,500,000.00 TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.**
3 FRONT PAY LIQUID DAMAGES: **\$ 150,000.00 ONE HUNDRED FIFTY THOUSAND DOLLARS.**
4 EMOTIONAL DISTRESS: **\$500,000.00 FIVE HUNDRED THOUSAND DOLLARS.**

5 I, WILLIAM J. WHITSITT, William J. Whitsitt, THIS THE 11th DAY OF DECEMBER 2016,, DO HEREBY
6 DECLARE AND AFFIRM THAT ALL THE ABOVE FACTS ARE TRUE AND CORRECT UNDER THE PENALTY OF LAW.

7 I RETAIN THE RIGHT TO ALTER, AMEND COMPLAINT AND TO ADD OR DELETE NAMED
8 DEFENDANTS AS BECOMES NEEDED AND OR NECESSARY.

9 LET JUDICIAL NOTICE BE TAKEN HERE I AM THE MASTER OF THIS CASE AND I WILL ALONE
10 WILL DECIDE WHICH LAW IT WILL PROCEED UNDER. SEE: FAIR, THE, v. KOHLER DIE & SPECIALTY
11 CO., 228 U.S. 22 (1913); FRANCHISE TAX BD. v. LABORERS VACATION TRUST, 463 U.S. 1 (1983); Merrell Dow
12 Pharmaceuticals, Inc. v. Thompson, 478 U.S. 804, 809 , n. 6 (1986); Caterpillar Inc. v. Williams, 482 U.S. 386,
13 392 (1987).

14 RESPECTFULLY SUBMITTED

15 William J. Whitsitt

16 WILLIAM J. WHITSITT

17 DATED: December 11, 2016